

**Testimony of the Office of the Public Defender,
State of Hawaii to the Senate Committee on Judiciary and Labor**

Hrg: Tuesday, Feb. 26, 2008, 9:30 a.m.
1 copy required

S.B. NO. 2886: RELATING TO CHILD ABANDONMENT

Chair Taniguchi and Members of the Committee:

We oppose S.B. No. 2886 which seeks to increase the penalty for the current offense of Abandonment of a Child (HRS § 709-902) from its current level of a misdemeanor to a felony and to create a new misdemeanor offense of Abandonment of a Child in the Second Degree. First of all, we feel that the current punishment for Abandonment of a Child is sufficient. Such offenses do not seem to be an urgent problem in our community. Children are not being abandoned in increasing numbers. We would point out that this offense does not address the more common problems regarding mistreatment of children. Other offenses such as abuse of household member, assault, and sexual assault already punish such mistreatment in severe ways.

The new offense of Abandonment of a Child in the Second Degree which the bill seeks to create is very vague in both its scope and definition. A person would violate this section if he/she leaves a child with another person in reckless disregard of the risk that the other person's true identity is unknown, the other person has no place of residence or employment, or the other person's true place of residence or employment is unknown. How will someone really be assured of such information such that he/she will not be in reckless disregard of the risk of such information being false. It is not uncommon for persons to be deceptive about their true identities, their occupations and their places of residence.

Often parents must rely on the representations of others to secure daycare or educational opportunities for their children. It is not beyond the realm of possibility that daycare providers, teachers or coaches can misrepresent the above specified information. This bill makes it very unclear how far a parent must go in investigating such persons to avoid being held criminally liable.

Thank you for the opportunity to comment on this bill.

TESTIMONY IN SUPPORT OF SB2886, RELATING TO CHILD ABANDONMENT

NAME: Jonathan R. Won, Executive Director, Prevent Child Abuse Hawaii
HEARING DATE: Tuesday, February 26, 2008
COMMITTEE: Committee on Judiciary and Labor
CHAIR: Senator Brian Taniguchi

Senator Taniguchi and Members of the Committee on Judiciary and Labor.

I am the Executive Director of Prevent Child Abuse Hawaii (PCAH), the only organization whose primary and sole purpose is to prevent child abuse and neglect. PCAH strives to prevent all forms of child abuse and neglect which includes abandonment, but the numbers of abused and neglected children does not go down. It remains steady or increases. But we need to start somewhere to tackle this urgent problem, and recent events have pointed out that the time is now.

There are statistics and survey results and studies that could be quoted until the cows come home; the truth is that children are hurt or killed every day from abuse or neglect, little people who are the most vulnerable and have no way to protect themselves or speak for themselves. And with news across the world so instantaneous now, we all hear about these cases of abuse and deaths from physical, sexual, emotional, psychological, and verbal abuse, all of which can be sparked by abandonment of children.. As horrible and distasteful to listen to, I force myself to hear every word on each case, and although it breaks my heart to hear the news, it also makes me believe I am in an area where I can make a difference. Now, you as the Legislative body for the State of Hawaii, you can also count yourselves as trying to make a difference for the young people.

While impossible to relay most of the statistics and numbers, a few are significant and need to be mentioned:

1. National Child Abuse & Neglect Data System reveal almost 900,000 children were victims of child abuse and neglect in the U.S. in 2002
2. Of these children who are victims of abuse and neglect, nearly 4 children die in the U.S. EACH DAY,
3. A report in 2003 in the Journal of the American Medical Association estimated that an average of 300 children will die each year, and 600 to 1,200 injured.

I do not believe any one here disputes the need to reduce, if not eliminate, child abuse and neglect, including abandonment. And here in Hawaii, where it is not only parents and blood relatives that end of caring for children but an "Ohana" that could include neighbors and friends and acquaintances, getting everyone's attention in recognizing their responsibilities in the care of children entrusted to them, would do well to help protect the children. Laws regarding abandonment in the first degree and in the second degree would strengthen the protection for our children, and put people on notice that abandonment is neglect and neglect is a form of abuse. PCAH wholeheartedly supports SB 2886 and urges its adoption. Thank you for allowing this testimony.

JONATHAN R. WON